

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-093380

10/29/2009

HONORABLE BRUCE R. COHEN

CLERK OF THE COURT

C. Gauna

Deputy

IN RE THE MARRIAGE OF
ALLISON CHATHAM

ALLISON CHATHAM
1537 E FROST ST
MESA AZ 85203

AND

JUSTIN L CHATHAM

SHANNON BRADLEY

CONCILIATION SERVICES-SE
TASC - PHOENIX

**RESOLUTION MANAGEMENT CONFERENCE
REFERRAL FOR DRUG TESTING
REFERRAL TO CONCILIATION SERVICES
TRIAL SETTING**

Courtroom 304-SE

9:37 a.m. This is the time set for Resolution Management Conference. Petitioner, Allison Chatham, is present on her own behalf. Respondent, Justin L. Chatham, is present with counsel, Shannon Bradley.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held.

9:43 a.m. Court is at recess.

9:49 a.m. Court reconvenes with both parties and Father's counsel present in the courtroom.

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Allison Chatham and Justin L. Chatham are sworn and testify.

The Court conferred with the parties and counsel. It is noted that the parties have three minor children, Abel, born September 20, 2003; Abigail, born December 26, 2006; and Claire, born November 15, 2007.

At present and as a result of employment, Father is residing in Sierra Vista and Mother is residing in Maricopa County. During the week, the children have been in Mother's primary care and they have generally been with Father on weekends. This arrangement, however, was out of necessity and was not reflective of the views of either parent, particularly Father. He notes that he has concerns about the propriety of placement of the children with Mother and his failure to act presently on those concerns shall not bar him from pursuing those issues in the future.

Both parents have raised allegations against the other regarding drug use. It is possible that one or both may test positive under a hair follicle test. Both deny the likelihood of testing positive under a urinalysis test. Drug testing would be appropriate to establish a baseline and to monitor ongoing use. It is noted, however, that a positive alcohol (EtG) test shall likely not be probative unless it can be linked to time in which the children are in the care of that parent.

IT IS THEREFORE ORDERED that Father and Mother shall undergo random drug testing on the following basis:

- A. Agency. Father's and Mother's random drug testing shall be conducted at the following testing agency:

TASC, Inc.
423 N. Country Club Drive, Suite 19
Mesa, Arizona 85201
Phone: (480) 898-1849

With Father living in Sierra Vista, it is understood that he will not be able to submit to random testing at TASC beyond the tests this date. He shall nonetheless be assigned a color through TASC but may then seek a testing facility in or near Sierra Vista. If he does so, his testing days shall be coordinated with those days in which his color is called by TASC. The only other condition on using a facility other than TASC shall be that the submission of the sample is monitored by the testing facility.

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- B. First Test. Father and Mother shall report to TASC no later than close of business this date for their first test.
- C. Scope. Father and Mother shall undergo a full spectrum substance and drug test (Screen "A") for each test ordered herein (one time hair follicle and ongoing urinalysis).
- D. Cooperation. Father and Mother shall cooperate fully as reasonably required by the testing agency to comply with this Order, including:
 - 1. Father and Mother shall provide such samples as are reasonably required by the testing agency to comply with this order.
 - 2. Father and Mother shall timely report for testing and provide samples as directed by the testing agency.
 - 3. Father and Mother shall present photo identification to the testing agency at the time of each test.
 - 4. Father and Mother shall sign and deliver such forms of consent, authorization and release of test results as shall be reasonably required by the testing agency to comply with this Order.
- E. Cost. Father shall cover the cost of his and Mother's first tests, subject to reallocation. Father and Mother shall thereafter pay the cost of their own testing. All testing costs shall be paid in money order or cashier's check at the time of testing.
- F. Frequency & Duration. Father and Mother shall be randomly tested not less than twice per month (urinalysis) until further Court order. In addition, both Father and Mother shall undergo a one time hair follicle test.
- G. Positive/Diluted/Missed Test. All parties are advised that the failure, neglect or refusal to participate in testing, or providing a diluted test sample at the time of testing, may be considered an admission by the party that the testing, if properly conducted, would have revealed the use of the substance(s) tested for, which finding is contrary to the best interest of a child. Certain prescription medications may cause a positive drug test result. Parties who are required to drug test are expected to provide proof to the court of prescriptions and documentation from health care providers regarding the lawful possession and use of those medications.

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- H. Reporting. The parties are hereby advised that test results ARE NOT confidential and will be filed in the Court file upon receipt by the Court. The results of each test shall be reported directly to counsel for both parties, or directly to the parties at the addresses provided by the parties to the testing agency, if unrepresented by counsel. The testing agency shall also provide this Court with a copy of each test result.

ISSUED: TASC Referral Forms (2)

IT IS FURTHER ORDERED that for the period beginning twelve (12) hours before any block of parenting time through the end of the block of parenting time, the parent in whose care the children are shall not consume any amount of alcoholic beverages.

IT IS FURTHER ORDERED the parties shall participate in a **Parenting Conference**. The parties will be advised by separate minute entry of the name and telephone number of the Parenting Conference Provider and other relevant information regarding the Parenting Conference. The parties shall comply with all instructions and directives issued by the Provider.

IT IS FURTHER ORDERED that immediately following this hearing each party is directed to pay the **\$300 per party** fee at the Clerk of the Court filing counter. Forms to request a fee deferral are available at the filing counter.

WARNING

IF YOU FAIL TO APPEAR AT THE PARENTING CONFERENCE AS ORDERED, YOU MAY BE REQUIRED TO PAY A \$100 NO SHOW FEE. IF YOU CANNOT ATTEND, YOU MUST REQUEST AND BE GRANTED PERMISSION FROM THE JUDGE IN YOUR CASE TO RESCHEDULE THE CONFERENCE AT LEAST THREE FULL COURT DAYS BEFORE THE CONFERENCE. IF AN AGREEMENT IS REACHED PRIOR TO YOUR APPOINTMENT DATE, YOU MUST SUBMIT A REQUEST TO THE JUDGE TO VACATE THE CONFERENCE AND WAIVE THE FEE IN ORDER TO AVOID FEE COLLECTION.

IT IS ORDERED setting Trial to the Court on February 9, 2010 at 2:00 p.m. (Time allotted: 3 hours) before the Honorable Bruce R. Cohen, Southeast Judicial District, 222 East Javelina Avenue, Courtroom 304, Mesa, Arizona, 85210.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed one-half of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to

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trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS ORDERED any evidence intended to be submitted as exhibits at the time of the Trial must be brought to this Court's Clerk in Courtroom 304 **no later than 12:00 p.m. on Wednesday, February 3, 2010 with a coversheet listing the description of the exhibits.** All exhibits must be hand-delivered to Courtroom 304. Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. In addition, at the time of the commencement of the hearing, **each party shall provide an extra copy of the exhibits for use by the Court during the hearing. This extra set of exhibits shall be noted to be the "Bench Copy".**

IT IS FURTHER ORDERED that the failure of either party to appear at the time of trial, or to timely present the Joint Pre-Trial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that if either party files a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, each party shall submit proposed findings of fact and conclusions of law to this Division by no later than February 3, 2010.

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits on or before January 26, 2010.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than January 26, 2010.
3. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

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IT IS FURTHER ORDERED that Counsel for both parties shall confer at least thirty (30) days prior to trial to conduct settlement discussions, prepare a Joint Pre-Trial Statement in accordance with Rule 76(C)(1), Arizona Rules of Family Law Procedure, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case. Thereafter, the Joint Pre-Trial Statement shall be filed and a copy delivered to this Division by no later than February 3, 2010. Further, pursuant to Rule 76(C) (2), each party shall file with the Joint Pre-Trial Statement the following:

- a) An Affidavit of Financial Information on a form approved by the Court.
- b) If financial/property issues are in dispute, a detailed itemized inventory of property and debt in accordance with Rule 97, form 12, "Inventory of Property and Debt".
- c) A proposed parenting plan.
- d) A proposed parent's worksheet for child support.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-Trial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure.

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81(D), Arizona Rules of Family Law Procedure.

10:46 a.m. Matter concludes.

Dated this 29th day of October, 2009

FILED: Acknowledgement and Notice of Parenting Conference

/S/ BRUCE R. COHEN

BRUCE R. COHEN
SUPERIOR COURT JUDICIAL OFFICER

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All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.